



Atty. Dkt. No. 054707-1263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Takashi TSUKAMOTO et al.

Title: THIOLACTONES

Appl. No.: 10/791,278

Filing Date: 03/03/2004

Examiner: Unassigned

Art Unit: Unassigned

**TRANSMITTAL OF RESPONSE TO NOTICE OF
INCOMPLETE NONPROVISIONAL PATENT APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Incomplete Non-Provisional Application mailed May 24, 2004, in the above-identified application, transmitted herewith are the following documents to complete the filing of the subject patent application.

Enclosed are:

[X] Petition for Filing Date to Be Accorded Under 37 C.F.R. §1.53(e)(2) (2 pages), including:

Copy of PTO Date-Stamped Postcard (1 page)

Copy of "Utility Patent Application Transmittal", filed 03/03/2004 (2 pages)

Copy of Drawings filed 03/03/2004 (5 sheets, Figures 1 – 5)

[X] Declaration and Power of Attorney (4 pages)

[X] Return Copy of Notice of Incomplete Nonprovisional Application (2 pages)

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	<u>\$770.00</u>
Total Claims:	42	- 20 = 22	x \$18.00	=	\$396.00
Independents:	7	- 3 = 4	x \$86.00	=	\$344.00
If any Multiple Dependent Claim(s) present:			+ \$290.00	=	<u>\$0.00</u>
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee			+ \$130.00	=	\$130.00
			SUBTOTAL:	=	<u>\$1,640.00</u>
[] Small Entity Fees Apply (subtract ½ of above):				=	\$0.00
Petition Fee under 37 CFR §1.17(h):				=	\$130.00
			TOTAL FEE	=	<u>\$1,770.00</u>

[X] Check in the amount of \$1,770.00 in payment of filing fee, surcharge fee (37 C.F.R. § 1.16(e)), and petition fee (37 CFR §1.17(h))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 19, 2004 By S - T C

FOLEY & LARDNER LLP
Customer Number: 29728
Telephone: (202) 295-4163
Facsimile: (202) 672-5399

Suet M. Chong
Attorney for Applicants
Registration No. 38,104



Atty. Dkt. No. 054707-1263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Takashi TSUKAMOTO et al.

Title: THIOLACTONES

Appl. No.: 10/791,278

Filing Date: 03/03/2004

Examiner: Unassigned

Art Unit: Unassigned

**PETITION FOR FILING DATE TO BE ACCORDED UNDER
37 C.F.R. § 1.53(e)(2)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Incomplete Nonprovisional Application, mailed May 24, 2004, indicating that drawings were not filed with the above-captioned application and a filing date has not been accorded:

**APPLICANTS HEREBY PETITION FOR A FILING DATE OF MARCH 3, 2004
TO BE ACCORDED TO THE ABOVE-REFERENCED APPLICATION.**

The following items are enclosed in support of this petition:

- [X] Copy of PTO date-stamped postcard filing receipt, indicating 5 sheets of drawings were received by the U.S. Patent and Trademark Office on March 3, 2004.
- [X] Copy of "Utility Patent Application Transmittal" filed on March 3, 2004, indicating 5 sheets of drawings, comprising Figures 1 – 5, were submitted to the U.S. Patent and Trademark Office on March 3, 2004.
- [X] Copies of the drawings submitted to the U.S. Patent and Trademark Office on March 3, 2004 (5 sheets, Figures 1 – 5).
- [X] The fee of \$130.00 for the petition fee under 37 C.F.R. §1.17(h).

07/20/2004 EFLORES 00000076 10791278

05 FC:1460

130.00 OP

Applicants believe the present application is entitled to a filing date of March 3, 2004, and respectfully request grant of this petition. If this petition is granted, Applicants request a refund of the petition fee of \$130.00.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7-17-04

FOLEY & LARDNER LLP
Customer Number: 29728
Telephone: (202) 295-4163
Facsimile: (202) 672-5399

By S. - T. C.

Suet M. Chong
Attorney for Applicants
Registration No. 38,104



33

Title: THIOLACTONES
Inventor(s): Takashi TSUKAMOTO et al. Dkt. No. 054707-1263
Appl. No.: Unknown SMCH (3/3/04)

- Transmittal of Patent Application (2 pgs.);
- Patent Application Specification, claims and Abstract (63 pgs.);
- Drawings (5 sheets);
- Application Data Sheet (3 pgs.).

Commissioner for Patents:
Please acknowledge receipt of the above-identified
documents by applying the U.S. Patent and Trademark Office
receipt stamp hereto and mailing this card.

Due Date: March 3, 2004

Respectfully,
Foley & Lardner LLP

Date Filed: March 3, 2004

Insp. By: L Bell





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Atty. Dkt. No. 054707-1263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takashi TSUKAMOTO et al.

Title: THIOLACTONES

Appl. No.: Unknown

Filing Date: March 3, 2004

Examiner: Unknown

Art Unit: Unknown

**UTILITY PATENT APPLICATION
TRANSMITTAL**

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the nonprovisional utility patent application of:

Takashi TSUKAMOTO
4534 Kingscup Court
Ellicott City, Maryland 21042

Barbara S. SLUSHER
7424 Longfield Drive
Kingsville, Maryland 21087

Enclosed are:

- Specification, Claim(s), and Abstract (63 pages).
- Drawings (5 sheets, Figures 1, 2, 3, 4, 5).
- Unexecuted Declaration and Power of Attorney (_ pages).
- Assignment of the invention to GUILFORD PHARMACEUTICALS INC.
- Application Data Sheet (37 CFR 1.76).

BEST AVAILABLE COPY

Atty. Dkt. No. 054707-1263

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	= \$770.00
Total Claims:	42	- 20	= 22	x \$18.00	= \$396.00
Independents:	7	- 3	= 4	x \$86.00	= \$344.00
If any Multiple Dependent Claim(s) present:				+ \$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee				+ \$130.00	= \$130.00
				SUBTOTAL:	= \$1640.00
[]				Small Entity Fees Apply (subtract ½ of above):	=
				TOTAL FILING FEE:	= \$1640.00

A check in the amount of \$0.00 to cover the filing fee and fee for recordation of Assignment is enclosed.

The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 3/3/04By S. M. Chong

FOLEY & LARDNER LLP
Customer Number: 29728
Telephone: (202) 295-4163
Facsimile: (202) 672-5399

Suet M. Chong
Attorney for Applicant
Registration No. 38,104



UNITED STATES PATENT AND TRADEMARK OFFICE

JFW

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/791,278	03/03/2004	Takashi Tsukamoto	054707-1263

29728
 GUILFORD PHARMACEUTICALS C/O
 FOLEY & LARDNER
 3000 K STREET, NW
 WASHINGTON, DC 20007-5143



CONFIRMATION NO. 8933

FORMALITIES LETTER



OC000000012759982

07/20/2004 EFLORES 00000076 10791278

01 FC:1001	770.00 OP
02 FC:1202	396.00 OP
03 FC:1201	244.00 OP
04 FC:1051	15.00 OP

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Date Mailed: 05/24/2004

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The statutory basic filing fee is missing. *Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$654 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1424** for a Large Entity

- **\$770** Statutory basic filing fee.
- Total additional claim fee(s) for this application is **\$654**
 - **\$258** for 3 independent claims over 3.
 - **\$396** for 22 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

MTB:sgc
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE